

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

American Efficient LLC and Affirmed
Energy LLC,

Plaintiffs,

v.

Federal Energy Regulatory Commission;
Mark C. Christie, Willie L. Phillips, David
Rosner, Lindsay S. See, and Judy W. Chang,
*in their official capacities as Commissioners
of the Federal Energy Regulatory
Commission,*

Defendants.

Case No. 1:25-cv-68

**PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

COMES NOW, Plaintiffs American Efficient LLC and Affirmed Energy LLC (collectively, "American Efficient"), by and through their undersigned counsel, pursuant to Fed. R. Civ. P. 65 and Local Rule 65.1, seeking a preliminary injunction against Defendants Federal Energy Regulatory Commission, and Mark C. Christie, Willie L. Phillips, David Rosner, Lindsay S. See, and Judy W. Chang, in their official capacities as Commissioners of the Federal Energy Regulatory Commission, (collectively, "defendants") to preliminarily enjoin defendants' unconstitutional penalty-assessment proceeding against American Efficient.

Plaintiffs additionally request oral argument pursuant to LR 65.1(b).

In support hereof, American Efficient has contemporaneously filed a Memorandum of Law in Support of this Motion and the Declaration of F. Bo Clayton Jr. in Support of Plaintiffs' Motion for a Preliminary Injunction.

Respectfully submitted this 29th day of January, 2025.

/s/ Mark A. Hiller

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*Local Rule 83.1(d) special appearance
forthcoming.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system and additionally, the foregoing will be served on the following by certified mail:

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Respectfully submitted this 29th day of January, 2025.

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